



D-1083

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: **08/889,033**

In re Application of
Frazzitta, et al.

Confirmation No.: **2912**

Filed: **July 7, 1997**

Title: **Transaction System**

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Art Unit 2621

Patent Examiner
Tung Vo

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION PURSUANT TO 37 C.F.R. § 1.132

I, Patrick C. Green, hereby declare as follows:

1. I am a former employee of Diebold, Incorporated and/or InterBold, a wholly owned subsidiary of Diebold, Incorporated (collectively referred to hereafter as “Diebold”). I was employed by Diebold as an engineer and engineering manager in the development of transaction systems and associated hardware and software for those systems. I retired from Diebold in 2007. I began working in the transaction system industry in approximately 1974. I am familiar with the aspects of conducting transactions using systems that include a service provider station and a customer station with regard to functionality and operation.
2. It is my understanding that the present application was filed July 7, 1997.
3. Based on my knowledge and experience, a person having ordinary skill in the art of conducting transactions using systems that include a service provider station and a customer station at the time of July 7, 1997 (hereinafter a “person having ordinary skill in the art”) would have had a four-year college degree in engineering, such as mechanical or electrical engineering, and would have had at least four years of experience in designing systems for conducting transactions using a service provider station and a customer station (or equivalent years of working experience in the design of such transaction systems).
4. I have reviewed the patents to Grosswiller (US 3,237,933), Granzow (US 4,580,040), and Ramachandran (US 5,483,047).

Grosswiller is directed to safety door construction for banking service equipment.

Granzow is directed to a customer operated ATM check cashing system.

Ramachandran is directed to an ATM.

I have also considered the combined disclosures of the patents to Grosswiller, Granzow, and Ramachandran.

5. The person having ordinary skill in the art would not have recognized from the combined disclosures a teaching, suggestion, motivation, or valid reason to have produced a first transaction system that includes a customer station inside of a building, wherein the customer station includes:

an interior wall fixed in the building,

where the interior wall has an opening therethrough,

where the interior wall includes a support frame bounding the opening,

at least one transaction component,

where the at least one transaction component includes a pneumatic tube carrier terminal,

where the at least one transaction component includes a display device,

where the display device is supported by the frame,

a user interface,

where the user interface is supported by the frame,

where the user interface includes interface openings therethrough,

where the interface openings include a pneumatic tube

carrier terminal opening,

where the interface openings include a display device opening,

where the user interface is movable between a first position and a second position,

where in the first position the user interface is adjacent the at least one transaction component, enabling the at least one transaction component to be used by a customer at the customer station in carrying out a financial transaction,

where in the first position the pneumatic tube carrier terminal opening is substantially aligned with the pneumatic tube carrier terminal,

where in the first position the display device opening is substantially aligned with the display device,

where in the second position the user interface is disposed from the at least one transaction component, enabling the at least one transaction component to be manually accessed by servicing personnel,

a hinge arrangement,

where the hinge arrangement includes plural hinges,

where each of the plural hinges is connected to the frame,

where the user interface is movable between the first position and the second position via the hinge arrangement.

6. The person having ordinary skill in the art would have recognized that there are significant and non-obvious differences between what is disclosed in the combined disclosures of the patents and the above noted first transaction system.

For example, the combined disclosures do *not* teach or suggest to the person having ordinary skill in the art, a customer station inside of a building, where the customer station includes a pneumatic tube carrier terminal and an interior wall, where the interior wall includes a support frame that bounds an opening in the wall, where both a display device and a user interface are supported by the frame, especially where the user interface is movable (via plural hinges connected to the frame) between a first position (for customers) and a second position (for servicing personnel).

7. The person having ordinary skill in the art would not have recognized from the combined disclosures a teaching, suggestion, motivation, or valid reason to have produced a second transaction system that includes a customer station inside of a building, wherein the customer station includes:

an interior wall fixed in the building,

where the interior wall has a wall opening therethrough,

where the interior wall includes a door frame bounding the wall opening,

at least one transaction component,

where the at least one transaction component includes a pneumatic tube carrier terminal,

where the at least one transaction component includes a display device,

where the display device is supported by the door frame,
a cover,

where the cover is movably mounted to the door frame,

where the cover is supported by the door frame,

where the cover includes cover openings therethrough,

where the cover openings include a pneumatic tube carrier terminal opening,

where the cover openings include a display device opening,
where the cover is movable relative to the interior wall between a closed position and an open position,

where in the closed position the cover is overlying the wall opening,

where in the closed position the pneumatic tube carrier terminal is manually accessible through the pneumatic tube carrier terminal opening to a customer at the customer station,

where in the closed position the display device is visible through the display device opening,

where in the open position the cover is removed from overlying the wall opening,

where in the open position the cover is removed

from the pneumatic tube carrier terminal and the display device, enabling the pneumatic tube carrier terminal and the display device to be manually accessed during a customer station servicing.

8. The person having ordinary skill in the art would have recognized that there are significant and non-obvious differences between what is disclosed in the combined disclosures of the patents and the above noted second transaction system.

For example, the combined disclosures do *not* teach or suggest to the person having ordinary skill in the art, a customer station inside of a building, where the customer station includes a pneumatic tube carrier terminal and an interior wall, where the interior wall includes a door frame that bounds an opening in the wall, where both a display device and a cover are supported by the door frame, especially where the cover is movable (via plural hinges connected to the frame) between a closed position (for customers) and an open position (for servicing).

9. The person having ordinary skill in the art also would *not* have recognized from the combined disclosures of Grosswiller, Granzow, and Ramachandran, any rationale to produce the above noted first or second transaction system by:

combining elements according to known methods to yield predictable results;

simple substitution of one known element for another to obtain predictable results;

use of known techniques to improve similar devices in the same way;

applying known techniques to a known device ready for improvement to
yield predictable results;
choosing from a finite number of identified, predictable solutions, each
with a reasonable expectation of success;
known work in one field of endeavor prompting variations of such known
work for use in either the same field or a different field based on
design incentives or other market forces in a case where the
variations would have been predictable to the person having
ordinary skill in the art; or
motivation from the combined disclosures that would have led the person
having ordinary skill in the art to have arrived at either of the
above noted transaction systems.

10. In conclusion, it would *not* have been obvious to the person having ordinary skill in the art, having full view of the patents, to have produced the above noted first transaction system or the above noted second transaction system.

11. In addition, the person of ordinary skill in the art would consider the combined disclosures of Grosswiller, Granzow, and Ramachandran to be inoperative and non-enabling with regard to the subject matter of the above noted first transaction system and second transaction system. The person of ordinary skill in the art could not make or use the subject matter of the respective above noted first transaction system or second transaction system from the combined disclosures (even if coupled with information known in the art) without undue experimentation.

The combined disclosures do not provide any enabling disclosure which would enable the person of ordinary skill in the art to produce the above noted first transaction system or second transaction system. Nor would the above noted first transaction system or second transaction system be predictable from the combined disclosures to the person of ordinary skill in the art. The disclosures combined does not enable the noted first transaction system or second transaction system.

The features of the combined disclosures, further combined with the knowledge of the person of ordinary skill in the art, still would not enable the above noted first transaction system or second transaction system. Nor would the combination of features in the disclosures produce an enabled form of what is specified in the above noted first transaction system or second transaction system to the person of ordinary skill in the art.

12. I hereby declare that all statements herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and that the statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both (18 U.S.C. § 1001), and may jeopardize the validity of the application or any patent issuing thereon.


Patrick C. Green

March 9, 2010
Date